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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,061	03/12/2004	Takahiko Yamasaki	36549	8441

116 7590 08/19/2005

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EXAMINER

LEUNG, PHILIP H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,061

Applicant(s)

YAMASAKI ET AL.

Examiner

Philip H. Leung

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-4 and 13 are objected to as they depend on a cancelled claim 2. Correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8, 9, 11, 12, 14, 15 and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Yoneno et al (US 5,525,782) (previously cited), in view of Enami (JP 60-174453) or Kikuchi (JP 54-136453) (both newly cited).

Yoneno shows a high frequency heating apparatus for heating a thing to be heated, comprising: a high frequency generating portion 32; a heating chamber 2 for accommodating the thing to be heated; a steam supply portion 40 for supplying steam into the heating chamber; and a partition plate which serves to mount the thing 1 to be heated thereon and is provided to be upward removable apart from a bottom face of the heating chamber at a predetermined interval (shown in Figures 4-7), thereby dividing a space in the heating chamber, wherein at least one of a high frequency and steam generating portion is supplied to the heating chamber and the steam is supplied into an upper space (discharge port 8, 17) positioned above the partition plate (see Figures 4-14 and 21 and col. 7, line 12 – col. 16, line 4). Therefore, Yoneno shows every

feature as claimed except for the location of the steam generating portion being in the lower back portion of the heating chamber. However, the exact location would have been a matter of engineering expediency depending on the overall arrangement of the shelves and/or the location of the microwave input port. Anyway Enami shows a microwave oven with a steam generating portion 13-18 located on the lower back portion of the heating chamber (see the Figure and the English abstract). Kikuchi also shows a microwave oven with a steam generating portion 13, 14 located on the lower back portion of the heating chamber (see Figures 1-5 and the English abstract). It would have been obvious to an ordinary skill in the art at the time of invention to modify Yoneno to locate the steam generating portion on the bottom of the cooking chamber so that steam can rise up the plate for direct steam heating the food, in view of the teaching of Enami or Kikuchi. Furthermore, it is pointed out the term "a steam supply portion for supplying steam" is overly broad as it reads on just any part of the steam generating device, such as an inlet pipe or the water container with a heater therein, etc. In regard to claims 8 and 9, heater 3 of Yoneno or heater element 10 of Kikuchi is the claimed preheating means including an upper heater provided in an upper part of the heating chamber. In regard to claim 11, see Figures 5, 6, 14 and 21 of Yoneno. In regard to claim 12, see Figures 4-6 of Yoneno. In regard to claim 14, see Figure 5 of Yoneno. In regard to claim 15, see Figures 9-12 and col. 10, line 63 – col. 11, line 13 and col. 12, lines 13-48 of Yoneno. In regard to claim 19, Figure 14 of Yoneno shows a feed water pipe with valve 47 connected to a feed water tank (outside of the chamber) to the steam supply portion via valve 45 and portion 40 or 42 is the claimed intermediate portion with a heater 56 or 54.

4. Claims 3, 4, 6, 7, 13 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Yoneno et al (US 5,525,782), in view of Enami (JP 60-174453) or Kikuchi (JP 54-136453), as applied to claims 1, 8, 9, 11, 12, 14 and 15 above, and further in view of Kawada (JP 54-10460) (previously cited).

Yoneno combined with Enami or Kikuchi shows every feature as claimed except for the material of the partition plate. Kawada shows a microwave oven with a steam generating portion on the bottom of the heating chamber below a metal partition part 21 and 22 as shown in Figure 3. It would have been obvious to an ordinary skill in the art at the time of invention to modify Yoneno to locate the steam generating portion on the bottom of the cooking chamber below a metallic partition plate so that steam can rise up the plate for direct steam heating the food while preventing the microwave from going into the water heating components, in view of the combined teaching of Enami or Kikuchi with Kawada. In regard to claim 20, Figure 3 of Kawada shows an evaporator pan 21 having detachable cover 22.

5. Claims 5, 10 and 16-18 are rejected under 35 U.S.C. 103(a) as being obvious over Yoneno et al (US 5,525,782), in view of Enami (JP 60-174453) or Kikuchi (JP 54-136453), as applied to claims 1, 8, 9, 11, 12, 14 and 15 above, and further in view of Kurita (US 6,232,587) (previously cited).

Yoneno combined with Enami or Kikuchi shows every feature as claimed except for the use of a high frequency material for forming the partition plate. Kurita shows a microwave oven with steam generating portion and also partition plates 28a and 28b of a microwave absorbing material for generating heat in response to the microwave generation in the heating chamber to

Art Unit: 3742

act as a preheating means to increase the temperature in the heating chamber (see Figures 3 and 7 and col. 5, lines 41-59 and col. 7, lines 34-58). To form the food supporting partition plate with the same material would have been obvious to an ordinary skill artisan as this would heat the food more efficiently because of direct food contact. It would have been obvious to an ordinary skill in the art at the time of invention to modify Yoneno combined with Enami or Kikuchi to use a microwave absorbing material to form the partition plate as the regenerating plates for preheating the oven for more efficient heating result, in view of the teaching of Kurita. In regard to claims 16-18, the exact heating steps would have been a matter of engineering expediencies depending on the material of food and type of cooking desired once it is taught to use a preheating step by Kurita (see Figures 10 and 11 and col. 7, line 32 – col. 9, line 67).

6. Applicant's arguments filed 5-25-2005 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3742

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 472-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
8-17-2005